

**FINAL REPORT
OF THE
INTERIM STUDY COMMITTEE ON
EDUCATION MATTERS
REVISED NOVEMBER 18, 2008**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

November 18, 2008

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2008

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INTERIM STUDY COMMITTEE ON EDUCATION MATTERS

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Irma Reinumagi
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Francine Rowley-Lacy
Attorney for the Committee

Chuck Mayfield
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Fiscal Analyst for the Committee

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

[NOTE: This is a revised version of the Committee's prior final report that was originally dated November, 2008. This revised final report amends recommendation #12 concerning the ratio of school counselors to students to more accurately reflect the Committee's action on that issue.]

I. LEGISLATIVE COUNCIL DIRECTIVE

The Legislative Council directed the Committee to do the following:

- A. Review and making recommendations to the General Assembly, the Indiana state Board of Education, and the Department of Education on the following issues concerning virtual education listed in SECTION 10 of HEA 1246-2008 (HEA 1246-2008):
 - (1) The availability of virtual learning for K-12 students in Indiana.
 - (2) How virtual learning services are being provided by other states, including through state departments of education.
 - (3) Standards of quality and alignment with Indiana's content standards recommended for virtual learning.
 - (4) Accreditation standards and pricing for virtual learning opportunities.
 - (5) Funding for students enrolled in full-time or part-time virtual learning programs outside their home school corporation.
 - (6) Other issues that may be determined as necessary.
- B. Develop recommendations as to the appropriate formula to enable the General Assembly to fund school transportation costs (HB 1001).
- C. Study college readiness (HR 21).
- D. Study high school athlete steroid testing (HR 22).
- E. Study the feasibility of establishing a continuing appropriation for the Indiana Technology Fund and renaming the fund the Senator David C. Ford School Library Technology Fund (SCR 56).
- F. Study tuition and fee exemptions awarded by state educational institutions under reciprocity agreements with other postsecondary educational institutions located in or outside Indiana (HEA 1249-2008).

II. INTRODUCTION AND REASONS FOR STUDY

The topics assigned to the Committee were derived from subjects contained in various House and Senate resolutions and legislation introduced during the 2008 Session of the General Assembly.

III. SUMMARY OF WORK PROGRAM

The Committee met 5 times during the interim:

August 13. The Committee met to hear testimony and discuss the feasibility of establishing a continuing appropriation for the Indiana Educational Technology Fund and renaming the fund the Senator David C. Ford School Educational Technology Fund. The Committee also heard testimony concerning high school athlete steroid testing.

September 10. The Committee met to hear testimony and discuss virtual education.

October 1. The Committee met to hear testimony and discuss school transportation costs and college readiness

October 22. The Committee met to discuss proposed findings and recommendations to be included in this final report.

October 29. The Committee met to hear testimony concerning disproportionality in education and to consider and approve the final report.

The Committee did not have enough time to study the issue of tuition and fee exemptions awarded by state educational institutions under reciprocity agreements with other postsecondary educational institutions located in or outside Indiana.

IV. SUMMARY OF TESTIMONY

The Committee heard testimony from several individuals. The following is a summary of the testimony regarding each of the issues considered by the Committee; to read a more complete report of testimony and other matters considered by the Committee, the minutes of the Committee's five meetings can be found on the Committee's website (<http://www.in.gov/legislative>), or copies may be obtained by contacting the Legislative Information Center of the Legislative Services Agency.

The Indiana Educational Technology Fund (Tech Fund)

Several individuals, including Senator Lubbers and Dr. Suellen Reed, Superintendent of Public Instruction (by written statement), testified in favor of renaming the Tech Fund in honor of the late Senator David C. Ford. The Tech Fund was created as an incentive for schools and libraries to connect to the Internet and currently serves as an incentive to continue to stay connected to the Internet. Seven million dollars are currently dedicated to the Tech Fund; however, that amount may need to be increased in the coming years in order to add more schools to the consortium, keep up with Internet demand by schools, and keep up with the 25% increase in Internet use by schools and libraries.

After Committee discussion on the issue of renaming the Tech Fund, Senator Lubbers made a motion to prepare proposed legislation to rename the Indiana Technology Fund as the David C. Ford School and Library Technology Fund. The motion was seconded by Representative Harris, followed by a unanimous voice vote.

High School Athlete Steroid Testing

Representative Turner presented the need for high school athlete steroid testing, testifying that the primary reasons for steroid use among high school athletes according to a University of Michigan study are to obtain success in the chosen sport, parental encouragement, college scholarships, and coach encouragement. Currently, Texas, Florida, Illinois, and New Jersey have steroid testing programs for high school students; these programs have uncovered very few incidents of steroid use.

Other witnesses presented information concerning the distinction between performance enhancement drugs and anabolic steroids, as well as research showing that the use of steroids is declining. While testing can be a deterrent, certain education programs provide effective methods of reducing abuse of anabolic steroids and other drugs at a lower cost than testing.

The Committee expressed reservations concerning the cost of testing, and considered education concerning steroids and other performance-enhancing drugs to be a more viable option for Indiana at this time.

Virtual Education

Representative Austin introduced the topic of virtual education in Indiana. An overview of virtual education in the U.S. and Indiana was presented. Forty-two states offer some type of virtual education, with new on-line programs being developed each year. Programs may be completely on-line, or a hybrid of on-line and live instruction; however, data to evaluate online programs against face-to-face education are lacking, because of shortcomings in state data systems, a lack of a sufficiently large on-line student population, and a lack of common measures in calculating and reporting student achievement.

In Indiana, there is general agreement between interested parties concerning a list of issues to be addressed to ensure the quality of virtual education programs. These issues include a need to have state standards set for virtual education, which should be taught by Indiana certified teachers or highly qualified professionals who possess an appropriate academic background and follow state curriculum standards. In addition, all high school students should be provided with the opportunity to engage in virtual learning experiences prior to graduation, and should have an opportunity to engage in challenging early college courses (AP, dual-credit) offered through a virtual format. Collaboration is required with the Indiana Department of Education (IDoE) and other educational institutions and agencies to develop and promote standards for high quality virtual education, and with school districts, schools, and individual students in order to provide high quality, affordable virtual education to all students in Indiana.

Committee members voiced concerns over the following issues:

- (1) The availability of performance data for virtual schools currently in existence.
- (2) Which funding mechanisms work best.
- (3) Fraud.
- (4) Teacher quality.
- (5) Equity.

School Transportation Costs

Representative Goodin presented the issue of increased costs to school corporations for student transportation, including the rising cost of fuel and the cost of maintenance and replacement of buses. School corporations are very concerned about increased transportation costs, and are exploring solutions, including reducing the number of school days per week to four, contracting with other school corporations to buy fuel at a guaranteed rate that includes escalators and de-escalators, and changing bus routes.

College Readiness

Several state agencies, including the Indiana Department of Workforce Development (IDWD), the State Student Assistance Commission (SSACI), and IDoE have programs that focus on assisting students with preparing for college. IDWD provides leadership for state and national education initiatives, including the tech prep program and distributing funding under the Perkins Act. SSACI uses 14 regional support sites to collaborate with school counselors and community partners to increase the awareness of the Twenty-First Century Scholars program and enrollment in the program. IDoE supports college readiness through rigorous and relevant high school courses for all students, assisting students with college readiness assessment fees, and providing technical assistance to schools, as well as professional development opportunities.

Several witnesses spoke concerning the importance of school counselors in assisting students with post-secondary readiness. Currently, Indiana schools are above both the recommended

student to counselor ratio and the national average ratio. The witnesses spoke of a need for a clear, unified definition of the role of a school counselor.

The Indiana Commission for Higher Education has developed strategic initiatives for higher education to produce more college graduates in Indiana. The initiatives are in six key areas: college completion; affordability; preparation; community college; major research universities; and accountability.

Disproportionality in Education

Dr. Russell Skiba, Indiana University Center for Evaluation and Education Policy, summarized the charges given to the Commission on Disproportionality in Youth Services that resulted in the findings and recommendations described in their October 15, 2008 report.

The following recommendations were developed by the Commission on Disproportionality in Youth Services and presented by Chairman Porter:

- IDoE should reestablish an Office of Educational Equity in the IDoE, headed by a new position at the associate superintendent level, to coordinate and monitor issues of disproportionality with respect to achievement, discipline, special education, alternative programs, dropout and graduation rates, and gifted and talented programs.
- Each school corporation should ensure the cultural responsiveness of school disciplinary systems.
- The General Assembly should pass legislation concerning cultural competency preparation for teachers.
- IDoE should ensure that all schools develop a school improvement process that addresses training in cultural competence. In developing a school's plan, the school's committee should consider methods, resources, and evaluation instruments to improve the cultural competency of the school's teachers, administrators, staff, parents, and students.
- Each school corporation should establish an “early warning system” to identify students who may be at-risk for dropping out, in order to provide early intervention to prevent the student from dropping out.
- The state of Indiana should address the critical shortages of teachers of color in Indiana's public schools.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee made the following findings of fact and recommendations (all findings and recommendations were adopted by consent with eight members present):

1. The Committee finds that the evidence submitted to the Committee does not support a finding that random steroid drug testing of high school athletes should be implemented in Indiana.
2. The Committee finds that the evidence from other states indicates that despite devoting significant resources toward steroid testing, a very small percentage of athletes using steroids were detected. Some states have discontinued or are considering discontinuing the program.
3. The Committee finds that some states, such as Delaware, after studying whether to institute testing policies have declined to do so, citing the conclusion that random testing programs are not the most effective use of resources to address this issue.
4. The Committee finds that a more effective way of disseminating information about the hazards of steroid usage is through coordinating with school health programs and health courses. In addition, coaches, athletic directors, trainers and parents should be provided with timely information on the hazards of steroid usage. The Committee encourages the IHSAA to use its best efforts to provide school athletic officials with timely information on steroid usage and control and to work cooperatively with the school athletic officials in developing policies to discourage steroid usage by high school athletes.
5. The Committee encourages the IHSAA to develop public service announcements about the detrimental effects of steroids on high school athletes.
6. The Committee encourages IDoE to work cooperatively with the IHSAA's medical committee to develop a program of instruction in high schools for students, school athletic officials, athletic trainers, and parents to inform them about the hazards of steroid use and methods to avoid steroid usage.
7. The Committee finds that the General Assembly should continue to monitor national information concerning incidents of steroid use among high school athletes and take such further action as may be necessary to address this issue in the future.
8. The Committee recommends that schools develop policies to encourage students experimenting with steroids to seek counseling and assistance to enable the students to cease the use of steroids.
9. The Committee finds that for professional school counselors to create and support a

postsecondary culture within Indiana schools, it is necessary for school counselors to have a uniform school counselor job description.

10. The Committee recommended that legislation be prepared that directs the IDoE to adopt rules by July 1, 2010, that establish a uniform job description for school counselors. This should be accomplished in consultation with the Indiana School Counselor Association and the Indiana Association of Public School Superintendents.

11. The Committee finds that the ratio of school counselors to students in Indiana exceeds the recommended ratio provided by the American School Counselor Association and that the current ratio significantly predicts the high school drop out rate. Further, the Committee finds that the Indiana school counselor to student ratio ranks 40th in the nation.

12. While state funding will not permit addressing this disparity, the Committee recommends that the General Assembly makes it a priority to bring down the ratio of school counselors to students over time to meet the nationally recommended ratios for school counselors.

13. The Committee finds that the topic of readying students for postsecondary life should be built into education programs for school counselors.

14. The Committee recommends that all school counseling programs in Indiana emphasize postsecondary preparation in the school counselors' curricula.

15. The Committee finds that 511 IAC 4-1.5, which delineates the duties of all student service personnel, is important to successful career development for students. Further, the Committee finds that school counselors are professionals who are uniquely prepared to address the careers and academic success of students.

16. The Committee recommends that IDoE reiterate to its constituency the expectation of the General Assembly that 511 IAC 4-1.5 is emphasized when making staffing recommendations.

17. The Committee finds that the report developed by the Commission on Disproportionality in Youth Services is extremely important as it regards the six recommendations in the area of education. In the upcoming 2009 legislative session, members of the Committee will continue to discuss these recommendations and will consider legislation at that time.

18. After discussing the preliminary draft of legislation concerning renaming the Indiana Technology Fund as the Senator David C. Ford School and Library Technology Fund and providing a continuing appropriation to the Fund, the Committee approved the draft and

recommended the draft be prepared in final bill form for introduction during the 2009 session of the General Assembly.

19. The Committee recommends that every online or computer instruction program conduct a background screening of all employees or contracted personnel.

20. The Committee recommends that all online instructional staff must be appropriately certified in the subject areas they teach.

21. The Committee recommends that all courses of online or computer instruction must meet or exceed Indiana academic standards.

22. The Committee recommends that ISTEP must be administered to students participating in online instruction in proctored settings.

23. The Committee recommends that a virtual school established by a school corporation or charter school must comply with IC 20-30-2-3 (school year).

24. The Committee recommends that for purposes of funding, a full-time student enrolled in a virtual school shall be included in the average daily membership of the school corporation or charter school in which the student is enrolled.

25. The Committee recommends that virtual school be defined as follows: "'Virtual school" means any entity that provides for the delivery of more than fifty percent (50%) of instruction to students through virtual distance learning, online technologies, or computer based instruction."

26. The Committee recommends that the State Board of Education require each student to complete at least one course through virtual distance learning, online technologies or computer based instruction to be considered for high school graduation under IC 20-32-4-1(graduation requirements).

27. The Committee recommends that when sufficient information is available, legislation based on modifying the requirements under IC 20-46-4-10 for an appeal of transportation fund levies for increases in fuel costs should be considered for introduction during the 2009 session of the General Assembly.

The Committee unanimously adopted its final report with eight members present and with the understanding that the report will be modified to include actions taken during the Commission's October 29, 2008 meeting.

WITNESS LIST

Marvin Bailey, Indiana Technology Fund
Terry Spradlin, Center for Evaluation & Education Policy
Michael Holstead, Center for Evaluation & Education Policy
Bruce Colston, Indiana Virtual Learning Consortium
Fred Sagester, Indiana Virtual Learning Consortium
Mary Brabson, Indiana Virtual Learning Consortium
Chad Dorshorst, Indiana Virtual Learning Consortium
Kara Monroe, Indiana Virtual Learning Consortium
Representative Terri Austin
Representative Terry Goodin
Lynnette Quinn, Indiana Virtual Families
Mickey Revenaugh, Connections Academy
Dan Clark, Deputy Director of the Indiana State Teachers Association
John Ellis, Executive Director, Indiana Association of School Superintendents
Lisa Gillis, Insight School
Ron Brumbargar, Hoosier Academy
Lynn Black, Hoosier Academy
Charles Zogby, Hoosier Academy
Rob Hosinski, Compass Learning
Representative Eric Turner
Blake Ress, Commissioner Indiana High School Athletic Association (IHSAA)
Kitty Newsham, Ph.D., LAT, Indiana Athletic Trainers Association
Chris Guidry, Director of Career and Technical Education, Indiana Workforce Development
Seana Murphy, Director, 21st Century Scholars Division, Indiana State Student Assistance
Commission
Stan Jones, Commissioner, Indiana Commission for Higher Education
Dr. Charlene Alexander, Director School Counseling Program, Indiana School Counselors
Association
Dr. Carrie Wachter, Post Secondary Vice President, Indiana School Counselors Association
Dr. Peggy Hines, Director, National Center for Transforming
School Counseling, The Education Trust, Washington, D.C.
Matt Fleck, Assistant Director of Student Services, Indiana Department of Education
Jill Kramer, Senior Program Manager, Lumina Foundation
Julie Sharpe-Baumgart, Professional School Counselor, Granville Wells Elementary
School
Leah Hooper, Student, Professional School Counseling Program
Mike Huffman, Indiana Department of Education
Jim Corridan, Associate Director, Indiana State Library
Merle Greuser, Director of Customer Services, ENA
Melissa Brown, Indianapolis Public Schools
Rick Muir, Indiana Federation of Teachers
Jim Cousins, Parent
Justin Szaday, Connections Academy Student

Lauren Ahlersmeyer, Connections Academy Parent
Monique Christensen, Indiana Families for Virtual Schools
Russell Skiba, Indiana University Center for Evaluation and Education Policy